

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

LONTEX CORPORATION,

Plaintiff,

v.

NIKE, INC.,

Defendant.

Civil Action No. 2:18-cv-05623-MMB

**DECLARATION OF BEN L. WAGNER IN SUPPORT OF PLAINTIFF LONTEX
CORPORATION'S REPLY IN SUPPORT OF OMNIBUS POST-TRIAL MOTION**

I, Ben L. Wagner, declare as follows:

1. I am a member of the State Bar of California in good standing, and admitted *pro hac vice* in this proceeding. I am a partner at Troutman Pepper Hamilton Sanders LLP (“Troutman”), counsel of record in this action for Plaintiff Lontex Corporation (“Lontex”). Each statement made in this declaration is based upon facts within my personal knowledge or (where stated on information and belief) which I reasonably believe to be true on the basis of my information and belief. If called as a witness in this action I could and would testify competently to the same.

2. I submit this declaration in support of Lontex’s Reply In Support Of Omnibus Post-Trial Motion.

3. In my declaration filed with this Court on November 24, 2021, I estimated that without the benefit of having seen Nike’s post-trial motions, there would be at least an additional \$150,000 in fees for Troutman’s time entries. Since filing my declaration, Troutman timekeepers have entered the following hours for work performed between November 1, 2021 and January 11, 2022 for wrapping up trial tasks and file management by paralegals, and drafting and responding to post-trial motions by Lontex and Nike filed in this action:

Timekeeper	Title	Hours	Rate	Sum
Ben Wagner	Partner	106.2	\$895	\$95,049
Mike Schwartz	Partner	7.1	\$1,010	\$7,171
Craig Crockett	Partner	87.1	\$770	\$67,067
Mary Walsh	Paralegal	12.6	\$325	\$4,095
Jason Bradley	Paralegal	9.8	\$300	\$2,940

Total: \$176,322

4. These time entries reflect work that was necessary and reasonably incurred for the prosecution of this action.

5. Lontex is producing to Nike's counsel copies of time entries for these hours worked by Friday, January 14, 2022.

6. Additional significant work on collecting and assembling data in support of costs and fees, and preparing the initial draft memorandum of costs, was performed by administrative staff for which time was not recorded or billed. Fees for further hearing preparation and attendance is also not included in this amount.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on January 11, 2022.

/s/ Ben L. Wagner

Ben L. Wagner

CERTIFICATE OF SERVICE

I hereby certify that on January 11, 2022, a true and correct copy of the foregoing was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent via e-mail to all parties by operation of the court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.

/s/ Ben L. Wagner

Ben L. Wagner